

1 LERACH COUGHLIN STOIA GELLER  
2 RUDMAN & ROBBINS LLP  
3 SHAWN A. WILLIAMS (213113)  
4 MONIQUE C. WINKLER (213031)  
5 AELISH M. BAIG (201279)  
6 100 Pine Street, Suite 2600  
7 San Francisco, CA 94111  
8 Telephone: 415/288-4545  
9 415/288-4534 (fax)  
10 shawnw@lerachlaw.com  
11 moniquew@lerachlaw.com  
12 aelishb@lerachlaw.com  
13 – and –  
14 TRAVIS E. DOWNS III (148274)  
15 BENNY C. GOODMAN III (211302)  
16 655 West Broadway, Suite 1900  
17 San Diego, CA 92101  
18 Telephone: 619/231-1058  
19 619/231-7423 (fax)  
20 travisd@lerachlaw.com  
21 bennyg@lerachlaw.com

22 [Proposed] Co-Lead Counsel for Plaintiffs

23 [Additional counsel appear on signature page.]

\*E-FILED - 1/22/07\*

24 UNITED STATES DISTRICT COURT  
25 NORTHERN DISTRICT OF CALIFORNIA

26 ROBERT LYNCH, Derivatively on Behalf of ) No. C-06-07660-RMW  
27 FINISAR CORPORATION, )  
28 Plaintiff, ) STIPULATION AND [ ] ORDER  
vs. ) REGARDING ADMINISTRATIVE  
JERRY S. RAWLS, et al., ) MOTION TO CONSIDER WHETHER  
Defendants, ) CASES SHOULD BE RELATED  
– and – )  
FINISAR CORPORATION, a Delaware )  
corporation, )  
Nominal Defendant. )

29 [Caption continued on following page.]

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1 LYNN SHORT, Derivatively on Behalf of ) No. C-06-07661-RMW  
2 FINISAR CORPORATION, )  
3 Plaintiff, )  
4 vs. )  
5 JERRY S. RAWLS, et al., )  
6 Defendants, )  
7 – and – )  
8 FINISAR CORPORATION, a Delaware )  
corporation, )  
9 Nominal Defendant. )  
10 CITY OF WORCESTER RETIREMENT ) No. C-06-07848-RS  
11 SYSTEM, Derivatively on Behalf of Nominal )  
12 Defendant FINISAR CORPORATION, )  
13 Plaintiff, )  
14 vs. )  
15 JERRY S. RAWLS, et al. )  
16 Defendants, )  
17 – and – )  
18 FINISAR CORPORATION, )  
19 Nominal Defendant. )  
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1 WHEREAS, the parties believe that the actions *Lynch v. Rawls, et al.*, C-06-07660-RS, filed  
2 December 14, 2006, *Short v. Rawls, et al.*, C-06-07661-RMW, filed December 14, 2006, and *City of*  
3 *Worcester<sup>1</sup> Retirement System v. Rawls, et al.*, C-06-07848-RS, filed December 22, 2006, all involve  
4 substantially similar questions of law and fact;

5 WHEREAS, this Court has already related the *Lynch* and *City of Worcester* Actions in the  
6 Related Case Order issued January 3, 2007;

7 WHEREAS, the parties believe the *Short Action* is a “related case” to the *Lynch and City of*  
8 *Worcester Actions* under Northern District of California Civil Local Rule 3-12(a); and

9 WHEREAS, the parties believe that treatment of all three Actions as related would serve the  
10 interests of judicial economy and avoid the potential for conflicting rulings.

IT IS HEREBY STIPULATED AND AGREED that *Lynch v. Rawls, et al.*, C-06-07660-RS,  
*Short v. Rawls, et al.*, C-06-07661-RMW, and *City of Worcester Retirement System v. Rawls, et al.*,  
C-06-07848-RS, should all three be deemed related.

14 || IT IS SO STIPULATED.

15 | DATED: January 11, 2007

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
SHAWN A. WILLIAMS  
MONIQUE C. WINKLER  
AELISH M. BAIG

/S/

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AELISH M. BAIG

100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
TRAVIS E. DOWNS III  
BENNY C. GOODMAN III  
655 West Broadway, Suite 1900  
San Diego, CA 92101

<sup>27</sup> Due to a typographical error, the initial complaint misspelled Worcester as Winchester.

1 Telephone: 619/231-1058  
2 619/231-7423 (fax)

3 LERACH COUGHLIN STOIA GELLER  
4 RUDMAN & ROBBINS LLP  
5 THOMAS G. WILHELM  
6 9601 Wilshire Blvd., Suite 510  
7 Los Angeles, CA 90210  
8 Telephone: 310/859-3100  
310/278-2148 (fax)

9 Counsel for Plaintiffs Lynn Short and Robert  
10 Lynch and [Proposed] Co-Lead Counsel for  
11 Plaintiffs

12 DATED: January 11, 2007

13 SAXENA WHITE P.A.  
14 MAYA SAXENA  
15 JOSEPH E. WHITE

16 \_\_\_\_\_/s/  
17 MAYA SAXENA

18 5200 Town Center Circle, Suite 600  
19 Boca Raton, FL 33486  
20 Telephone: 954/701-3965  
888/782-3081 (fax)

21 Counsel for Plaintiff City of Worcester  
22 Retirement System and [Proposed] Co-Lead  
23 Counsel for Plaintiffs

24 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this  
25 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO  
26 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,  
27 X.B., I hereby attest that Maya Saxena has concurred in this filing.

28 DATED: January 11, 2007

DLA PIPER  
DAVID A. PRIEBE

29 \_\_\_\_\_/s/  
30 DAVID A. PRIEBE

31 2000 University Avenue  
32 East Palo Alto, CA 94303  
33 Telephone: 650/833-2000  
34 650/833-2001 (fax)

35 Attorneys for Defendants

36 STIPULATION AND [] ORDER REGARDING ADMINISTRATIVE MOTION TO  
37 CONSIDER WHETHER CASES SHOULD BE RELATED - C-06-07660-RS

1 I, Aelish M. Baig, am the ECF User whose ID and password are being used to file this  
2 STIPULATION AND [PROPOSED] ORDER REGARDING ADMINISTRATIVE MOTION TO  
3 CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with General Order 45,  
4 X.B., I hereby attest that David A. Priebe has concurred in this filing.

5 \* \* \*

6 **O R D E R**

7 Having considered the parties' Stipulation, and good cause appearing, the Court hereby  
8 GRANTS the parties' Stipulation.

9 IT IS SO ORDERED.

10 DATED: 1/22/07

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*Ronald M. Whyte*

12 THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE

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## CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

/S/  
AELISH M. BAIG

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)  
E-mail: [aelishb@lerachlaw.com](mailto:aelishb@lerachlaw.com)

## Mailing Information for a Case 5:06-cv-07660-RS

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Aelish Marie Baig**  
AelishB@lerachlaw.com
- **Travis E. Downs, III**  
travisd@lerachlaw.com e\_file\_sd@lerachlaw.com
- **William S. Lerach**  
e\_file\_sf@lerachlaw.com
- **Darren J. Robbins**
- **Seth A. Safier**  
seth@gutridesafier.com
- **Shawn A. Williams**  
shawnw@lerachlaw.com  
e\_file\_sd@lerachlaw.com;e\_file\_sf@lerachlaw.com;AelishB@lerachlaw.com;MoniqueW@lerach

### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)